IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.668 OF 2006
IN
APPEAL FROM ORDER NO.185 OF 2006

Shree Shreshtha Sevashram
(Ratnagiri),Mumbai & Ors. ..Applicants.

V/s.

Shri Abhay M. Jain & Ors. ..Respondents.

Mr.Sarang Aradhye for applicants.

Mr.R.D.Suryawanshi for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 20, 2006.

P.C. :

1. For the reasons mentioned in the application as it is default of the advocate and litigant should not suffer for the mistake of the advocate, in the interest of justice, application is allowed in terms of prayer clause (a).

2. This order is passed on condition that the affidavit of service shall be filed within one week. In addition, the applicants shall serve the respondent Nos. 2 to 5, 6,8 and 16 afresh. Issue fresh notice in the main matter returnable on 30th August, 2006.

3. Appellant to serve the fresh notice by advocate’s notice on the concerned respondents personally and/or by courier and/or by speed post and/or by email and/or by fax and file affidavit of service in respect of fresh notice issued on or before 17th August, 2006, failing which appeal to stand dismissed for non-prosecution without further reference to the court.